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Die Martis 21 *Novemb.* 1648.

AN ORDINANCE OF THE LORDS and COMMONS ASSEMBLED IN PARLIAMENT:

Enabling a Committee of Lords and Commons to remove Obstructions in the *sale of the Lands of the late* ARCH-BISHOPS and BISHOPS.

LONDON,
Printed by R. COTES, for JOHN BELLAMY. 1648.

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Die Martis 21 *Novemb.* 1648.

An Ordinance of Parliament enabling a Committee of Lords and Commons to remove Obſtructions in the ſale of the Lands of the late *Archbiſhops* and *Biſhops*.

THe Lords and Commous aſſembled in Parliament taking into their conſideration the many Obſtructions that have and do daily happen in and about the ſale of the Mannors, Lands, Tenements, and Hereditaments, of the late Arch-biſhops and Biſhops: And how neceſſary it is to free the kingdome from ſo great a debt with which it ſtands charged untill the ſaid Lands be ſold: Do hereby Declare and Ordaine, That *Algernon* Earl of *Northumberland*, *Henry* Earl of *Kent*, *Philip* Earl of *Pembroke* and *Mountgomery*, *Charles* Earl of *Nottingham*, *William* Earl of *Salisbury*, *Baſil* Earl of *Denbigh*, *Edward* Earl of *Mancheſter*, *Edmund* Earl of *Mulgrave*, *William* Lord *Gray* of *Warke*, *Edward*

The names of the Committee.

The Committee are to remove Obſtructions which ſhall appear to them or any 5 of them, or be preſented to them by the Contractors or any five of them, or the Truſtees, or 5 of them, or the Treaſurers, or any 2 of them, or the Comptroller. And to clear doubts ariſing upon any clauſe or word in any of the Ordinances for ſale or conveyance of Biſhops Lands. An oath to be taken by 5 of this Committee whereof one to be a Peere. If it appear that any Tenant or other ought to have any cuſtom or priviledge, the Committee are to certifie the ſame to the Regiſter, who is thereupon to make out a particular, upon which the Contractors may proceed, &c.

Edward Lord *Mountague*, *Edward* Lord *Howard* of *Eſcrick*, Mr. *Prynn*, Sir *William Lewis*, Mr. *John Aſh*, Sir *Dudley North*, Mr. *Trenchard*, Mr. *Drake*, Coll. *Purefoy*, Coll. *Copley*, Mr. *Auneſly*, Mr. *Wheeler*, Mr. *Gewen*, Mr. *Miles Corbet*, Mr. *Reynolds*, Mr. *Edward Aſh*, M. *Scot*, Mr. *Blakiſton*, Coll. *White*, Sir *Robert Harley*, Mr. *Francis Allen*, Coll. *Harvey*, Coll. *Venn*, and Sir *Harbottle Grimſton*, or any five or more of them ſhall be, and are hereby conſtituted a Committee of Parliament for the regulating and removing of Obſtructions which ſhall appeare unto them, or any five or more of them, or be preſented unto them as aforeſaid, by the Contractors, or any five or more of them, or by the Truſtees, or any five or more of them, or by the Treaſurers, or any two of them, or by the Comptroller of the ſaid premiſes, in the clearing the ſtate of the ſaid debt, and in the ſale and ſpeedy perfecting of the Conveyances of the ſaid premiſes, and for the clearing of any doubts which have or ſhall ariſe upon any clauſe or word in any of the Ordinances for the ſale or conveying any of the ſaid premiſes to any perſon or perſons as they ſhall conceive meet, ſo as the ſaid premiſes in poſſeſſion, nor any part thereof be ſold under the rates limited by former Ordinances of Parliament, nor Reverſions upon Leaſes for lives or yeares under the rates expreſſed in the Ordinance of Parliament dated the ſeventeenth day of March, one thouſand ſix hundred forty and ſeven. And if it ſhall appeare upon the ſurvey, or by proofe upon oath which the ſaid Committee, or any five or more of them, (whereof one to be a Peere) are hereby authoriſed to adminiſter, That any Tenant or Tenants or others, by the Cuſtome of any Mannor or place, have or hath any Cuſtome, Cuſtomes or Priviledge, which in the purchaſe of the

the premiſes ought to be conſidered and allowance made unto the purchaſer in his purchaſe for the ſame, The ſaid Committee as aforeſaid are hereby authoriſed to certifie the Cuſtome proved as aforeſaid to the Regiſter, who is thereupon to make out a particular, upon which the Contractors ſhall and may proceed to ſell or make allowance unto the purchaſer, and the Truſtees to convey, as if the ſame had been expreſſed in the Survey. And where any complaint ſhall be made by any purchaſer or purchaſers or others of any irregularity or exactions of Fees by any Officer or Clerk now imployed, or hereafter to be imployed in, about, or concerning the premiſes; The ſaid Committee as aforeſaid, are hereby authoriſed to examine, allow, appoint, remove, and regulate ſuch fees, charges, and Officers not already limited and appointed by Ordinance of Parliament; and alſo appoint ſuch Officers or others, imployed or to be imployed about or concerning the ſame, as they ſhall think fit and neceſſary. And after allowance of ſuch Officers Fee or charges certified by the ſaid Committee to the Truſtees or any five or more of them, they ſhall and may make out a Warrant or Warrants from time to time to the Treaſurers for the paying of the ſame, which the Treaſurers ſhall, and are hereby authoriſed to pay accordingly, and the parties receipt to whom the monies are ſo aſſigned, ſhall be to them a ſufficient diſcharge: Provided that this ſhall not take away any power the Truſtees, Contractors, or Treaſurers by Ordinance of Parliament have in the nomination of their Officers; and alſo to aſcertaine, and allow out of the premiſes or profits thereof to any Officers or others, who have Fees, Rents, Annuities or other charges as ſhall appear to be juſtly due by any lawfull grant from any

Exactions of Fees by any Officer or Clerk.

The Committee to appoint and allow Officers and Fees.

The Truſtees to give warrants for payment of them.

Proviſo for Officers nominated by the Truſtees, Treaſurers and Contractors.

And to aſcertain and allow to Officers or others, who have Fees, Rents, or Charges, due by grant from any Biſhop;

Doubts and differences arising among the Truſtees, Contractors, Treaſurers, Comptroller to be determined by this Committee.

any of the Arch-biſhops or Biſhops; and if any doubt or difference ſhall ariſe among the Truſtees, Contractors, Treaſurers, Comptroller, or any of them, or any others imployed in, or about the ſaid premiſes, or any of them, or any part thereof, or any thing concerning the ſame; That the ſaid Committee, or any five or more of them, upon information thereof by them or any of them, ſhall call before them ſuch perſon or perſons, and ſhall heare, examine, ſettle, and determine the ſame, and ſuch order, direction, and determination, as they ſhall make, ſhall be the rule by which ſuch perſon or perſons ſhall proceed therein; and they are hereby authoriſed and enjoined to proceed accordingly; And if any perſon or perſons whatſoever, have in his or their cuſtody, or hereafter ſhall have the poſſeſſion of any Writing, Evidences, Charters, counterparts of Leaſes, Rent rolls, Records, Leadger books, or any other thing or things of or belonging to the ſaid premiſes, or any part thereof, which by force or vertue of any Ordinance, or Ordinances of Parliament have been veſted, ſettled, or ought to be, or have been in the poſſeſſion of the foreſaid Truſtees, Regiſter, his or their aſſignes, or any purchaſer or purchaſers thereof, their heires or aſſignes, or belonging unto him or them, or have ſince the firſt of *December*, one thouſand ſix hundred forty and ſixe, or hereafter ſhall waſte, ſpoil, receive, take, or detain any of the Caſtles, Houſes, Buildings, Woods, Underwoods, Rents, Iſſues, and profits of the ſaid premiſes, and ſhall refuſe to yeeld obedience to all or any Ordinance of Parliament touching the premiſes, and to ſuch further orders, directions, and determinations of the ſaid Committee, or any five or more of them, ſhall make of, and concerning the ſame; That then the ſaid Committee

If any perſon have any Writings or Evidences, &c. belonging to the premiſes.

Or have waſted, received, or detained any houſes, woods, rents, &c. And ſhall refuſe obedience to the Orders of this Committee concerning the ſame.

as

as aforesaid, are hereby authorised to summon before them, or any five or more of them, such person or persons, and if he or they shall refuse to appeare upon summons, then to send for him or them in safe custody, and to heare and examine him or them, and likewise to send for Papers, Writings, Evidences, Records, and Witnesses touching the same, and to examine Witnesses upon oath, which the said Committee, or any five or more of them, are hereby authorised to administer, and thereupon to determine the same, and to assesse dammages upon the person or persons so offending, so as the said dammages doe not exceed such dammage as is proved upon oath as aforesaid, the purchaser or purchasers, or the estate have or hath sustained by such entry, detainer, waste, or spoil, and the party or parties so offending, are hereby required to pay such dammages as shall be given the State, unto the said Treasurers, and to the purchaser or purchasers of the said premises, such dammages as shall be given him or them respectively within fourteen daies after judgement given as aforesaid, or else to give sufficient security to the said Treasurers, and to such purchaser or purchasers respectively to pay the dammages so assessed within three months; the which sum or sums of money paid in to the said Treasurers, are to be issued out and disposed of by the said Treasurers for such uses as are appointed by former Ordinances of Parliament, for the sale of the Lands of the late Archbishops and Bishops, and according to such Warrant or Warrants as they shall from time to time receive from the said Trustees, any five or more of them; and that receipt of such person or persons to whose use the said monies is appointed, together with the Warrant of the said Trustees, shall be a sufficient discharge unto the said Treasurers for the monies

They are to be summoned before this Committee, who upon refusall to appear are to send for them in safe custody.

And to send for papers, witnesses, &c.

This Committee or any 5 of them to examine witnesses upon oath.

And to assesse dammages upon the persons offending.

Dammages to be assessed to the State to be paid to the Treasurers.

But dammages to the purchaser to himself within 14. daies.

Or to give security to pay it within 3 months.

The Treasurers are to dispose of the said dammages for the uses appointed by the former Ordinances by Warrant of the Trustees.

monies ſo paid; And if the ſaid perſon or perſons ſo offending, ſhall notwithſtanding refuſe to yeeld obedience unto the ſaid Ordinances of Parliament, or ſuch orders and directions as the ſaid Committee (as aforeſaid) ſhall make and ſet downe concerning the premiſes or any part of them, that then the ſaid Committee or any five or more of them are hereby authoriſed to commit ſuch perſon or perſons to ſafe cuſtody till he or they yeeld obedience thereunto: And it is further ordained, that if any perſon or perſons have ſince the firſt day of *December*, one thouſand ſix hundred forty and one, poſſeſſed him or themſelves, or hereafter ſhall poſſeſſe him or themſelves of any the Caſtles, Houſes, or Buildings, or other the premiſſes of the ſaid late Archbiſhops and Biſhops, he or they having no Leaſe or grant thereof, from ſuch Archbiſhops or Biſhops made before the firſt day of *December*, one thouſand ſix hundred forty and one, and ſhall contrary to the order and determination of the ſaid Committee as aforeſaid, refuſe to yeeld up, or by force keepe the poſſeſſion of any the ſaid premiſſes againſt the ſaid Truſtees, or the purchaſor, or purchaſors of the ſame; That then the ſaid Committee as aforeſaid, are hereby authoriſed to iſſue out a Warrant or Warrants unto the Sheriffe or Sheriffes of the reſpective place or County where ſuch detainer is uſed, requiring him or them forthwith to repaire to the place, and to clear the poſſeſſion, and ſuch Sheriffe or Sheriffes are hereby authoriſed and required to doe the ſame, and to raiſe the *poſſe Comitat*, if he or they ſhall finde reſiſtance, and by force of Armes to ſuppreſſe the ſame, and alſo to break open doores and gates for the cleering of the poſſeſſion of the ſaid premiſſes, and the ſame ſo cleared to deliver up unto the ſaid Truſtees,

If any perſon offending refuſe obedience to the ſaid Ordinances, or the Orders of this Committee, they are to be committed to ſafe cuſtody.

If any perſon having poſſeſſion of any Biſhops houſes &c. having no leaſe thereof made before the firſt of *December*, 1641. Doe contrary to the order of this Committee refuſe to deliver poſſeſſion.

Then this Committee are to iſſue out Warrant to the Sheriffe of the County to clear the poſſeſſion.

And to raiſe the *poſſe Comitat* if reſiſted.

And to break doores &c.

ſtees or ſuch perſon as they or any five or more of them ſhall authoriſe to receive the ſame, or to the purchaſer or purchaſors or ſuch perſon or perſons as he or they ſhall authoriſe to receive the ſame; And the ſaid Sheriffe or Sheriffes are further authoriſed to commit to the next common Priſon for one moneth ſuch perſon or perſons as he or they ſhall finde to reſiſt him or them in the execution of ſuch Warrant or Warrants as he or they ſhall receive from the ſaid Committee as aforeſaid, and ſuch Warrant or Warrants as he or they ſhall receive as aforeſaid, ſhall be a good and ſufficient diſcharge unto him or them for ſo doing; And it is further ordained, that where any Certificate or Survey hath been or ſhall be made and returned to the Truſtees or Regiſter, that any Tenant hath neglected or refuſed to ſhew his evidences by which he holds his eſtate, nor made his claime nor eſtate appeare by ſufficient witneſſes within the time limited by the Ordinance of Parliament, and according to the directions of the ſaid Ordinance, by reaſon of which his eſtate is forfeited and the premiſſes ſold as in poſſeſſion, the ſaid Committee are hereby authoriſed upon the appeal of ſuch perſon or perſons unto them or any five or more of them, to heare and determine ſuch caſe or caſes, and to ſend for papers, writings, and witneſſes touching the ſame, and the witneſſes if they ſee cauſe to examine upon Oath which they are hereby authoriſed to adminiſter: And if it ſhall appeare to the ſaid Committee that ſuch default was not through any wilfull neglect or contempt of the power & authority of the Parliament, but upon other good and ſufficient cauſes ſhowne to and to be allowed by the ſaid Committee, they ſhall and may and are hereby authoriſed thereupon to diſcharge

And to deliver poſſeſſion to the Truſtees or the Purchaſer.

And the Sheriffe may commit ſuch as reſiſt him.

Where any Tenant hath neglected to ſhew his evidences & make his claime according to the Ordinance and thereby forfeited his Eſtate.

This Committee are to determine the caſe.

And to examine witneſſes upon oath.

If ſuch default were not through contempt, this Committee may diſcharge the eſtate of ſuch perſon from the forfeiture.

Which they are to certifie to the contractors who are to make a repriſe for it out of the purchaſe mony unpaid. And to certifie to the Treaſurers who are to allow the ſame.

the eſtate of ſuch perſon of and from the ſaid forfeiture, which they ſhall certifie to the ſaid Contractors or any five or more of them, who are hereby authoriſed and required out of the purchaſe moneys unpaid to repriſe ſo much as the purchaſe of ſuch part of the premiſſes was eſtimated at in ſale thereof, which they ſhall certifie unto the Treaſurers who are hereby authoriſed and required to allow the ſame unto ſuch purchaſer or purchaſers out of his or their moneys which ſhall be unpaid at the time of the receipt of ſuch certificate, which ſhall be a ſufficient diſcharge to the ſaid Treaſurers; Provided that ſuch Tenant or Tenants make his or their appeale to the ſaid Committee before the payment of the ſecond Moity for ſuch purchaſe: And it is further Ordained that ſuch order or diſcharge made as aforeſaid, ſhall be good and effectuall to ſuch Tenant or Tenants to have, hold and enjoy the particular eſtate and intereſt he claimed and made appeare as aforeſaid he ought to have and enjoy the ſaid premiſſes, notwithſtanding the ſame were forfeited and ſold as in poſſeſſion: And it is further Ordained, that if any ſuch perſon or perſons who intend to be the purchaſer or purchaſers of any of the Hereditaments and poſſeſſions of the late Archbiſhops and Biſhops where there hath been or ſhall be any ſuch neglect or refuſall of the Tenants as aforeſaid, certified upon the ſurvey of the ſaid premiſſes or forfeiture incurred doe or ſhall procure from the Contractors a Certificate unto the ſaid Committee of the names of ſuch Tenant or Tenants who have refuſed or neglected, and forfeited, or ſhall neglect, refuſe or forfeit as aforeſaid, That then the ſaid Committee as aforeſaid are hereby authoriſed to ſend for ſuch Tenant or Tenants

Provided that ſuch Tenant make his appeal before payment of the ſecond moity.

Such order or diſcharge of this Committee to be effectuall, although the ſame were forfeited and ſold as in poſſeſſion.

If any one intending to purchaſe any lands where there hath been any ſuch neglect or refuſall of the Tenants certified in the ſurvey or forfeiture incurred, doe procure a certificate of their names from Contractors, Then this Committee are to ſend for ſuch Tenants and their leaſes &c.

as

as likewiſe for their leaſes or copies, and other writings concerning their eſtate in the premiſſes; which if he or they ſhall refuſe to produce or make his or their eſtate appeare by proofe upon Oath which the Committee is hereby authoriſed to adminiſter, That then the ſaid Committee may commit ſuch perſon and perſons to ſafe cuſtody there to remaine untill he or they yeeld obedience to this and other ordinances of Parliament, and ſuch orders as the ſaid Committee ſhall make touching the premiſſes; And the ſaid Contractors may notwithſtanding ſell ſuch premiſſes as in poſſeſſion according to a former Ordinance of Parliament: And in caſe of obedience and conformity to the Ordinances of Parliament, and ſuch Orders as the ſaid Committee ſhall make touching the premiſſes, the ſaid Committee are hereby authoriſed to diſcharge the eſtate of ſuch perſon or perſons of and from the ſaid forfeiture, and the ſame together with the particular intereſt is made appear unto them to certifie as well to the Truſtees as Regiſter; And the Regiſter ſhall make his particular accordingly: And the ſaid Contractors are hereby authoriſed to contract for and ſell and Truſtees to convey the ſame as if it had been expreſſed in the ſurvey: And it is further Ordained that where in any ſurvey made or to be made of any of the Mannors, Lands, Tenants, and hereditaments of the ſaid late Archbiſhops, and Biſhops, there ſhall be any words wanting, without which the ſaid Committee or any five or more of them, or the ſaid Contractors, or any ſix or more of them, ſhall conceive that the ſaid premiſſes, or any part thereof compriſed in any ſuch ſurvey, or any of the Courts, Franchiſes,

Which they refuſe to produce or make their eſtates appeare upon each, this Committee may commit them to ſafe cuſtody.

And the Contractors may notwithſtanding ſell the premiſſes as in poſſeſſion.

And in caſe of obedience to the ordinances of Parliament, and orders of this Committee, they may diſcharge the eſtate of ſuch perſon from forfeiture.

And the ſame with the particular intereſt to certifie to the Truſtees and Regiſter.

And the Contractors and Truſtees are to ſell and convey accordingly.

If any words be wanting in any ſurvey to paſſe the lands &c. contracted for, the Regiſter may inſert in the particular ſuch words as this Committee or any ſix Contractors ſhall think fit.

chiſes, Liberties, Royalties, Priviledges, or appurtenances to them or any of them belonging cannot be conveyed to the purchaſor, or purchaſors thereof, ſo fully as ought to be: To the intent the purchaſor may have in his or their conveyance, words ſufficient to paſs ſo much of the ſaid premiſſes as he or they doe or ſhall contract for; The Regiſter in every particular by him made upon every ſuch Survey, ſhall inſert, and hereby is authoriſed to inſert ſuch words as the ſaid Committee as aforeſaid, or the ſaid Contractors, or any ſixe or more of them ſhall thinke fit, and direct, therein to be inſerted, notwithſtanding the ſame bee not expreſſed in the Survey, whereupon ſuch particular ſhall be made; And the ſaid Contractors ſhall and may proceed, and are hereby authoriſed and enjoyned to contract for, and paſs conveyances of the ſaid premiſes, or any part thereof according to ſuch particular ſo amended; Provided that there ſhall be no repriſe by reaſon of the addition of any word or clauſe as aforeſaid, unleſſe there be a value put upon the thing or things in the particular, upon which the contract is made; And it is further ordained, That if any purchaſer or purchaſers, or others, ſhall make it appear unto the ſaid Committee, any five or more of them, by proofe upon oath, which the ſaid Committee as aforeſaid, are hereby authoriſed to adminiſter, and likewiſe to ſend for Parties, Writings, and Witneſſes touching the premiſes, that the premiſes contracted for, or conveyed, are ſubject and liable unto any eſtate, charge, or incumbrance not mentioned in the Survey of the ſaid premiſes, or that the premiſes were not the Mannors, Lands, Tenements, and Hereditaments of the ſaid late Archbiſhops, or Biſhops; That then the ſaid Committee,

And the Contractors are to proceed according to the Particular ſo amended.

Provided that no repriſe be made but where a value is put upon the thing &c.

If any purchaſer or other make it appear that the premiſes contracted for or conveyed, are ſubject to any incumbrance not mentioned in the Survey, or that the premiſes were not the Biſhops Lands.

mittee, or any five or more of them, are hereby authoriſed to heare and examine the ſame, as aforeſaid, and thereupon to determine the ſame, and to certifie unto the ſaid Contractors their reſolution and determination of, and concerning the premiſes; And the ſaid Contractors are hereby authoriſed to allow unto ſuch purchaſer or purchaſers, by way of repriſe out of his or their monies unpaid, ſo much as the ſaid eſtate, charge, or incumbrance, proved, as aforeſaid, ſhall be valued at, and the ſame to certifie to the Truſtees, who ſhall iſſue out Warrant, or Warrants, to the Treaſurers, to defaulke and allow the ſame unto ſuch purchaſer or purchaſers; And where the ſaid Contractors ſhall be certified as aforeſaid, that the premiſes contracted for, or conveyed, were not the premiſes of the ſaid late Archbiſhops, or Biſhops, they ſhall and may, and are hereby authoriſed to diſcharge ſuch purchaſer or purchaſers of his or their contract; And in caſe where any purchaſer hath perfected his conveyance, if the ſaid Committee as aforeſaid doe or ſhall certifie the ſaid Truſtees, or any five or more of them, that the premiſes are not the Mannors, Lands, Tenements, and Hereditaments, of the ſaid late Archbiſhops or Biſhops; That then the ſaid Truſtees as aforeſaid, ſhall iſſue out their Warrant to the Treaſurers to repay ſuch perſon or perſons his or their monies forthwith out of ſuch monies as are in Treaſury, or out of the next monies which ſhal come into the Treaſury; And the ſaid Warrant, together with the Receipt of the party, ſhall bee a good and ſufficient diſcharge to the ſaid Treaſurers; And it is further ordained that if any doubt ſhall be made or ariſe upon any word or clauſe

Then this Committee are to heare and determine the ſame and to certifie their reſolutions to the Contractors who are to make allowance of the ſame by way of repriſe out of the monies unpaid, and certifie the ſame to the Truſtees, who are to give Warrants to the Treaſurers therefore.

And the Contractors are to diſcharge the purchaſer of this contract made for Lands which ſhall be ſo certified not to belong to the Biſhop.

And where the Purchaſer in that caſe hath perfected this conveyance, the Truſtees upon ſuch certificate of this Committee) ſhall iſſue out Warrants to the Treaſurers to repay the purchaſe money forthwith.

And if any doubt arise upon any word or clause of this or any other Ordinance touching the premises, the Trustees and other Officers are to proceed therein according to the determination of this Committee therein. Actors upon this Ordinance to be saved harmless.

in this present Ordinance, or any other Ordinance of Parliament, touching, and concerning the premises, by the said Trustees, Contractors, Treasurers, and other Officers, imployed about, or concerning the said premises: The said Trustees, Contractors, Treasurers, and other Officers imployed as aforesaid, are hereby authorised and enjoined to proceed therein according to the determination and direction of the said Committee, any five or more of them, any former Order or Ordinance of Parliament to the contrary notwithstanding; And what soever the said Committee, Trustees, Treasurers, and other Officers, or any of them, shall do in pursuance of this present Ordinance, they shall be saved harmelesse and indempnified by authority of Parliament.

Joh. Brown Cler. Pal.

H. Elsyng Cler. Parl. Dom. Com.

FINIS.

*EC65.G798L.648o25

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